

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY
COUNTY, VIRGINIA HELD ON THE 14TH DAY OF JANUARY, 2002 AT 7:15 P.M. IN
COURTROOM B, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chairman
	Annette S. Perkins	-Supervisors
	James D. Politis	
	C. P. Shorter	
	Gary D. Creed	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Robert C. Parker	-Public Information Officer
	Judy W. Kiser	-Assistant to the County Administrator
ABSENT:	John A. Muffo	-Supervisor

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

ELECTION OF CHAIRMAN

The County Administrator announced the floor was open to receive nominations for Chairman.

Supervisor Rush made a motion, seconded by Supervisor Shorter that Mary W. Biggs be nominated for Chair for calendar year 2002. Supervisor Perkins made a motion that nominations for Chair be closed.

On a motion by Larry N. Rush, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, That **Mary W. Biggs** be, and hereby is, elected as Chairman of the Montgomery County Board of Supervisors for the calendar year 2002, or until a successor is elected.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C. P. Shorter	None	John A. Muffo
James D. Politis		
Larry N. Rush		
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		

ELECTION OF VICE CHAIRMAN

Supervisor Politis made a motion, seconded by Supervisor Shorter that Larry N. Rush be nominated as Vice Chairman for calendar year 2002. Supervisor Creed made a motion that nominations for Vice Chairman be closed.

On a motion by James D. Politis, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, That **Larry N. Rush** be, and hereby is, elected as Vice Chairman of the Montgomery County Board of Supervisors for calendar year 2002, or until a successor is elected.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C. P. Shorter	None	John A. Muffo
James D. Politis		
Larry N. Rush		
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		

ORGANIZATION MATTERS

Selection of Regular Meeting Date

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year

2002 shall be the **2nd** and **4th Monday** of each month beginning at **7:15 p.m.** in Room 327, third floor, Montgomery County Courthouse, Christiansburg, Virginia provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provided that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C. P. Shorter	None	John A. Muffo
James D. Politis		
Larry N. Rush		
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		

Rules of Order and Parliamentary Procedures

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the following Rules of Order and Parliamentary Procedures for calendar year 2002:

- Rule 1** The current edition of ***Roberts Rules of Order*** shall govern in the deliberations of the Board of Supervisors, except as otherwise provided by ordinance or these rules.
- Rule 2** The Board may ***temporarily suspend*** any of its rules by a vote of two-thirds of the members present.
- Rule 3** No ordinance or resolution ***appropriating money exceeding the sum of \$500,*** imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the Board.
- Rule 4** A subject(s) may be ***added to the Agenda*** following the Delegation portion of the meeting.
- Rule 5** ***Discussion of Agenda items*** will occur only after a motion is made.

- Rule 6** In any case in which there shall be a *tie vote* of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon.
- Rule 7** When any motion, resolution, or ordinance has been *once acted upon* by the Board it cannot be considered again at the same meeting except by a motion to reconsider. The motion to reconsider cannot be repeated on the same question unless the question was amended when previously reconsidered.
- Rule 8** A motion to *reconsider* a question which has been decided shall be made by a member who voted with the prevailing side and shall be made at the same meeting of the Board or the next succeeding meeting of the Board. All motions to reconsider shall be decided by a majority vote of the members present.
- Rule 9** When the Board wishes to *annul some action it has previously taken*, a motion to rescind the objectionable resolution, order or other proceeding may be made. Any action of the Board may be rescinded regardless of the time that has elapsed. A motion to rescind is not in order if action has already been taken which cannot be undone.
- Rule 10** The County Administrator is hereby authorized to prepare for each meeting a *consent agenda* for consideration by the Board. This consent agenda may include any item believed by the County Administrator to be routine and not controversial in nature, for example, resolutions authorizing interdepartmental budget transfers, appropriations, various permits authorized by the Board, referrals to other boards and commissions for appropriate action.
- Rule 11** Any member of the Board may request to have any item *removed from the consent agenda*. Such request need not be seconded. Such item shall then be considered immediately after the consent agenda.
- Rule 12** A single motion and roll call vote in favor thereof shall approve all items remaining on the *consent agenda*.
- Rule 13** The County Administrator is hereby authorized to *provide agendas* for future Board meetings to those individuals, businesses, or organizations who desire to receive same.
- Rule 14** An individual, business or organization shall request the County Administrator on a calendar year basis to *mail such agendas* to them. At the end of each calendar year,

the County Administrator shall notify all individuals, businesses, or organizations on the agenda list that agendas will no longer be mailed to them unless notification is received by the County Administrator that they desire to continue to receive agendas for the upcoming calendar year.

Rule 15 The County Administrator shall **mail agendas at the public expense** until such time as the annual expense for such mailings exceeds \$500. Thereafter, the County Administrator shall bring such practice to the attention of the Board for its consideration.

Rule 16 Individual speakers will be limited to **5 minutes** to address the Board during the **public address** and the **public hearing** portions of the meeting. Speakers may not grant or assign their remaining time to address the Board to another speaker.

Rule 17 Staff and **Delegation** presentations will not exceed 20 minutes unless prior approval is obtained from the Administrator.

Rule 18 **Non-Agenda items** may be included for discussion and action during Board Members' Reports segment of the meeting.

Rule 19 Motions for **tabling** an item shall include conditions for removal from the table.

Rule 20 Board meetings will **adjourn** no later than 11:30 p.m., unless a vote is taken to continue the meeting, with an affirmative vote of two-thirds (2/3) of those members present.

Rule 21 Appointments of individual members of the Board of Supervisors for yearly **appointments to various Boards**, Commissions, Committees, etc., shall be made at the beginning of the year, at the same meeting at which elections of the Chair and Vice Chair occur (the first meeting of each calendar year).

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins
C. P. Shorter
Larry N. Rush
James D. Politis
Gary D. Creed
Mary W. Biggs

NAY

None

ABSENT

John A. Muffo

Code of Ethics and Standards of Conduct

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Montgomery County Board of Supervisors should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States, the Commonwealth of Virginia and Montgomery County, and never knowingly be a party to their evasion.
2. Be loyal to moral principles and the interests of the citizens of the county.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.
4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, gender, age, religion, creed or country of origin. Avoid adopting policies, supporting programs or engaging in Board activities that discriminate against or offend individuals because of race, gender, age, religion, creed or country of origin.
6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispersing of, or requesting, special favors or unfair privileges to anyone, whether for remuneration or not. A member should never request or accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties, or employees.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on public duty.
8. Engage in no business with the county government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the State and Local Government Conflict of Interest Act.
9. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.

10. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public's business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions to deal with sensitive personnel, legal, contractual or other issues as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board of Supervisors.
14. Review orally and in public session at the annual organizational meeting each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.
16. The Board recognizes that its primary role is to make policy and therefore will focus on issues pertaining to programs, operations and issues.
17. The Board recognizes that discussion of personnel matters are to remain confidential, must be discussed through appropriate channel processes, and that it is the obligation of each Board member to protect the privacy of the individual.
18. Board members will follow the procedure of communicating directly with the County Administrator and the Chairman of the Board. On personnel matters or matters relating to incidents, issues, or problems, the Board will follow the procedure of communicating directly with the Chairman or the County Administrator. Especially in situations where Board members might conceivably be construed as attempting to supervise, direct, or interfere with county personnel and the performance of their duties.

Standards of Conduct

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Montgomery County Board of Supervisors should adhere to the following Standards of Conduct:

1. Avoid, during public meetings and during the performance of public duties, the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or personnel.
2. Pay all taxes due to the county, state, or national government.
3. Attend all regularly scheduled meetings of the boards or committees to which he or she has been assigned, resigning whenever personal circumstances preclude regular attendance.
4. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the county government.
5. Make a conscientious effort to be well prepared for each meeting.
6. Offer criticism of county employees only in private meetings with appropriate individuals or in closed session.
7. Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
8. Maintain an attitude of courtesy and consideration toward all colleagues.
9. Be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.
10. Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel or colleagues.
11. Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins
C. P. Shorter
Larry N. Rush
James D. Politis
Gary D. Creed
Mary W. Biggs

NAY

None

ABSENT

John A. Muffo

ADD TO DELEGATIONS-HUMAN SERVICES COMMISSION

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously, the Human Services Commission was added to the Agenda under Delegations.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C. P. Shorter	None	John A. Muffo
James D. Politis		
Larry N. Rush		
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		

PUBLIC HEARING-BOARD OF SUPERVISORS

The Chair called the public hearing to order for the purpose of receiving citizens' comments on the following:

Montgomery County Budget for FY 2002-2003

-The purpose of this hearing is to gather citizen comments on the upcoming fiscal year budget

Kathy Mantz, Executive Director of the Christiansburg & Montgomery County Chamber of Commerce, reported that the Chamber has submitted one budget for the Chamber in the event the proposed merger with the Blacksburg Regional Chamber of Commerce does not take place. Another budget has been submitted in the event the two Chambers vote in favor of the merger. Ms. Mantz asked that the Board of Supervisors consider providing \$6,000 in funding for the Chamber in the upcoming budget. The Town of Blacksburg and the Town of Christiansburg will be asked to contribute \$6,000 as well.

Michael Hedgepeth addressed the future use of the Blacksburg Middle School, which will be vacated once the new school construction on Prices Fork Road is complete. He suggested that the building be sold and the sale proceeds could help pay for the school construction debt or create an educational fund endowment. Other benefits of selling the building would be that the County would not be saddled with on-going and deferred maintenance costs of property upkeep; the County could focus existing revenues toward improving teacher salaries; and the County may be able to alleviate some of its continued dependency on the real property tax, if only on a one-time basis.

Terri Grimes, co-founder of Empowerment for Healthy Minds, addressed the need for funding for

mental health. She asked that the Board consider funding for mental illness during their upcoming budget deliberations.

Marc Cowgil also addressed the issue of mental illness and the need for funding. Mr. Cowgil said the Community Services Board of the New River Valley has to turn people away who need help, and he urged the Board of Supervisors to contribute to the Community Services Board in the upcoming budget year.

Kristi Snyder of the Boys & Girls Clubs of the New River Valley, said that in 2001 a Boys & Girls Club was opened at the Blacksburg Middle School and they would like to extend their afterschool program opportunity to the Christiansburg Middle School. In order to start the program at the Christiansburg Middle School they must raise \$20,000 by January 31, 2002. She asked that the Board consider a contribution of \$10,000, which would help sustain the Blacksburg site and help to meet their goal for opening a site at the Christiansburg Middle School.

Virgil (Brownie) Cauley, Jr. thanked the Board of Supervisors for their past efforts to provide funding for the Montgomery County school system. Mr. Cauley said there are looming shortages of personnel in key areas and a backlog of repair and equipment upgrades and facility upgrades. He urged the Board to be receptive to the budget increases that are inevitable.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

Buster Horn-Peppers Ferry Road Mr. Horn addressed the Board about the light poles and cameras that are being placed on and around the 1975, 1980 and 1983 areas of Peppers Ferry Road (SR 114) by the Virginia Department of Transportation (VDOT). Mr. Horn said the community was not notified of this and believes that VDOT should have held a community meeting to inform the citizens of what was taking place.

The Chair announced the Board was in receipt of a petition from residents of Peppers Ferry Road opposing the light poles and cameras that are being installed by VDOT. She pointed out this matter is listed under Delegations and a representative from the Virginia Department of Transportation would provide information about the research project on Peppers Ferry Road (SR 114).

Margaret Smith submitted the following information and questions to the Board:

“I. Discussions between planning department staff and Carilion representatives in the fall of 2001 revealed the fact that a number of accidents were taking place apparently near the entrance to the

hospital and perhaps at Barn Rd. It was noted that there were no left turn lanes at either intersection. At the last planning commission meeting this was noted, and also noted that VDOT was going to paint left turn lanes at either one or both of these intersections; I was unable to hear the entire discussion.

Carilion has voiced concern about the safety of 177 where it becomes two lanes and has requested it be made four lanes with a median. It mentions speed as a factor. This road has a 45 mile speed limit as you approach the interchange from the Bethel School. Oddly, it apparently becomes 55 mph as it narrows to two lanes just beyond the interchange.

Question: Why would the speed limit become 55 mph for 1000 ft when most of the traffic is turning left into the hospital? And beyond the hospital the road narrows even more and connects nothing but farms and scattered housing. Wouldn't it be cheaper and safer to simply lower the speed limit for at least that 1000 ft. that affects the hospital?

II. An October 25, 2001 memo from a Carilion rep. to Mr. Brugh states that the county had recommended to VDOT that 1000 ft. of 177 from the point it becomes two lanes and extending past the hospital that is currently two lane be made 4 lanes divided. A memo from the planning director to the county administrator that was dated October 30, 2001, however, refers to a meeting with this individual and states only that the planning commission was working on the 2020 Transportation Plan for the Radford area, and it would include both Tyler and Barn Roads. He also states that those roads should be added to the six year plan, but did not indicate it was done, since the board of supervisors had not held its hearing to consider requests and comments from citizens.

Question: Did the Carilion rep. poll the supervisors and get an assurance that the roads would be added to the Six Year Road Plan before the hearing took place? If not, how was he able to state that the **county had recommended** this placement nearly two months before the hearing?

III. Carilion requested that 177 and Barn Rd. be placed on the Six Year Plan. I do not have the final copy, but understand it has been placed at the bottom of the list of some fifty projects.

Question: What happens to the list of projects from the 10 year plan and the 20 year plan? If a project not on the 10 or 20 year plans gets placed on the six year plan ahead of the existing ones, does that not constitute "bumping" in essence?

IV. A supervisor stated at the December road hearing that projects are always taken in the order they are listed, and that no project is "bumped" from year to year. New projects are added to the bottom of the list, however, but are they moved from the 10 and 20 year plans?

V. I have reviewed the six year road plans from 1995 to 2001 and found that the first 15 to twenty are changed and different priorities are given them. From about twenty on, however, these projects do indeed move up the list, albeit slowly. So I'm wondering what happens to roads that have the horror stories we heard at the hearing?

I would appreciate your comments on these questions.”

Wallace Scott addressed the Board about the Round Meadow Country Club. Mr. Scott, as a stock holder in Round Meadow, said he would like to know what the County will do with the Country Club. The Round Meadow Country Club stockholders held a meeting on this date and approved the proposal for the County to take over the Country Club. Mr. Scott asked what the County's plans are for the Country Club after five years.

Larry Martin thanked the Board of Supervisors for following through with obtaining a user agreement with the Peppers Ferry Regional Wastewater Treatment Authority. Mr. Martin went on to address the upcoming budget and said a raise in taxes would not be good during this time. As a businessman, he has a hard time paying the merchants capital tax. Since most of the budget goes to the schools and to the Sheriff's office he asked that the Board consider the effect taxes have on retail merchants and people who do not benefit from most of the County's budget.

Jody Daniels The Chair announced the following letter was received and asked that it be read into the record:

“Dear Gentlemen and Gentlewomen of the Board,

I have two children in the school system who are identified with Learning Disabilities. They are bright children who have received wonderful help from the Special Ed teachers. It would be a shame to cut these wonderful programs, especially the early intervention programs which helped identify my boys' reading problems in the first and second grade. If my children have benefitted from these programs and wonderful teachers, others have also been helped. The research has shown that early intervention is the key to successful students. Please do not short-change the children of our county.

Respectfully submitted,

Jody Daniels

Blacksburg Strand
Jody Booze-Daniels
Research Associate
Roadside Vegetation Research Program
Virginia Tech
Dept. Crop Soil and Environmental Science
230 Smyth Hall
Blacksburg, VA 24061-0404"

DELEGATIONS

Montgomery County Human Services Commission

Representatives of the Montgomery County Human Services Commission reviewed the FY 2003 funding requests from fourteen human service agencies. In addition, there were two funding requests that were not available for review at the January 8, 2002 budget review meeting. With the fourteen funding requests reviewed, the total request for funds is \$383,756. This is an increase of \$90,995 or 24% over last year's funded request. There were three new funding requests from CASA of the New River Valley, Inc., Good Samaritan Hospice, and Southwest Virginia Legal Aid Society, Inc. Six of the fourteen agencies requested level funding or maintenance funding. Five of the fourteen agencies requested more than level funding to meet the needs of special circumstances for each agency. A summary of the budget requests outlining agency services, requests, percent increases, and number of clients served in Montgomery County was provided to the Board.

Virginia Department of Transportation (VDOT) Research Project on Pepper's Ferry Road (SR 114)

John Thompson, representative for the Virginia Department of Transportation, presented information about the research project on Peppers Ferry Road. Mr. Thompson explained that the Virginia Department of Transportation and Virginia Tech are teaming up on a research project to enhance safety on Peppers Ferry Road (SR 114) in Montgomery County. Since the mid-1990's a number of fatal crashes have occurred along the two-lane section of the road. These crashes are due to driver error, with many drivers-whether they are in a hurry or impaired-attempting to pass vehicles in no-passing zones. VDOT has teamed up with Virginia Tech in an effort to help them better understand the situation and possibly alert drivers before they make serious errors in judgment. Before the research can begin,

eight 30-foot poles have been installed along a half-mile section of Peppers Ferry Road. These poles will hold a camera that can watch lanes and detect vehicle movement. The camera is fixed in place and cannot be rotated, or zoomed in or out. The images will be used only to activate the warning system, and will not be stored or used for tracking traffic violations. The research will take about nine months to complete, and it will be conducted under the guidance of Virginia Tech's Department of Civil Engineering. These cameras will only be used for the purposes of this safety research and will only take images of the roadway. They are not in any way a form of surveillance of individual citizens. VDoT has sent a letter to property owners in the Route 114 corridor to explain what they are doing.

Council on Human Relations

Penny Franklin and Bob Stuart presented information to the Board concerning a community-wide convocation sponsored by the Council on Human Relations scheduled for Saturday, April 13, 2002 to bring community leaders and community citizens together to share, express, and decide what human relations needs exist and to begin the work of teaching people how to sustain on-going dialogue and action around these issues. The Council asked that the Board of Supervisors contribute \$1200 for the project.

ADDENDUM

On a motion by Annette S. Perkins, seconded by Larry N. Rush and carried unanimously, the Addendum dated January 14, 2002 was added to the Agenda as follows:

Closed Meeting

Section 2.2-3711

- (7) Consultation With Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body

1. Boundary Adjustment-Blacksburg

New Business-Rural Addition-Natures Waye Road

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
Larry N. Rush		
James D. Politis		
C. P. Shorter		
Gary D. Creed		
Mary W. Biggs		

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously, the Consent Agenda dated January 14, 2002 was approved. The vote was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
Larry N. Rush		
James D. Politis		
C. P. Shorter		
Gary D. Creed		
Mary W. Biggs		

Lyric Theatre and Montgomery Museum Grant-Supplemental Appropriation

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, BY the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

911	Lyric Theatre/Montgomery Museum Grant	\$5,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account:

424401	State Grants	\$5,000
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Said resolution appropriates grant funds received for the Lyric Theatre and Montgomery Museum renovations.

Sheriff-Grant Appropriation

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

321	Sheriff Grants	\$28,873
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401	V-STOP Grant	\$28,873
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Said resolution appropriates monies from the state V-STOP Grant program.

Two For Life Fund Allocation

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

331	Fire and Rescue Grants-Two for Life	\$29,923
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

23312-424401	Two for Life	\$29,923
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Said resolution appropriates funds received from the Two for Life program for use by the volunteer Rescue Squads.

School Funds-Supplemental Appropriation

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund, School Cafeteria Fund, School Textbook Fund and ECIA Federal Title I Fund were granted appropriations in addition to the annual appropriations for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

09	School Operating Fund		
	561000 Instruction	\$ 119,253	
	564000 Operations and Maintenance	<u>\$ 116,781</u>	
	Total		\$236,034

The sources of funds for the foregoing appropriation is as follows:

Revenue Account:

418993	Disney Learning Partnership Grant	\$ 12,280
418301	E-rate Universal Service Discounts	\$104,883
433206	GAPS Education-21st Century Grant	\$ 42,431
424234	William and Mary Homeless Grant	\$ 14,543
424230	Comprehensive School Reform Demonstration Prg	\$ 50,000
418910	Insurance Recoveries	<u>\$ 11,897</u>
	Total	\$236,034

Said resolution appropriates additional funds from a Disney Learning Partnership Grant, Universal Services Discounts, a 21st Century Grant, a Project Hope Grant (homeless grant), a Comprehensive School Reform Grant and insurance recoveries.

Dog and Cat Sterilization-Supplemental Appropriation

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

The source of the funds for the foregoing appropriation is as follows:

451203	Undesignated Fund Balance	\$3,344
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Application of Transportation Enhancement Program Funds to Purchase Development Rights in the North Fork-Catawba Valley

WHEREAS, The Virginia Transportation Enhancement Program provides funding to assist in undertaking unique and creative actions to integrate transportation into our communities and environment while making it more aesthetically pleasing and providing a quality of life benefit; and

WHEREAS, The Catawba Road (State Route 785) in Montgomery County from Luster's Gate to and beyond the Roanoke County line has been recognized as Agricultural and Forest District Virginia Scenic Byway US Bicycle Route 76 North Fork Valley Rural Historic District; and

WHEREAS, The proposed project will preserve the Catawba Valley Road and the surrounding landscapes by maintaining the rural character that was characteristic of roads in southwestern Virginia via the purchase of development rights from willing sellers on properties whose protection will have the greatest impact at the least cost; and

WHEREAS, Montgomery County has met all the federally-mandated citizen participation requirements by holding a public hearing on December 17, 2001 and it was announced via advertisement in two local papers at least seven days in advance; and

WHEREAS, In accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the County of Montgomery, Virginia.

NOW, THEREFORE, BE IT RESOLVED, The County of Montgomery, Virginia, requests that Commonwealth Transportation Board to establish a project for the improvement of the North Fork-Catawba Valley.

BE IT FURTHER RESOLVED, The County of Montgomery, Virginia hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if the County of Montgomery, Virginia subsequently elects to cancel this project the County of Montgomery, Virginia hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

APPOINTMENTS

Montgomery Regional Economic Development Commission

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Allan Bookout** as a Christiansburg & Montgomery County Chamber of Commerce representative to the Montgomery Regional Economic Development Commission effective January 1, 2002 and expiring December 31, 2004.

Montgomery Regional Economic Development Commission

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Clayton G. Tinnell, Jr.** as a Christiansburg & Montgomery County Chamber of Commerce representative to the Montgomery Regional Economic Development Commission effective January 1, 2002 and expiring December 31, 2004.

Resolution of Appreciation-William M. Sterrett, Jr.-Montgomery Regional Economic Development Commission

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

WHEREAS, William M. Sterrett, Jr. faithfully served as a member of the Montgomery Regional Economic Development Commission from November, 1994 through December 31, 2001; and

WHEREAS, The County recognizes the excellent and dedicated service that *William M. Sterrett, Jr.* has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to *William M. Sterrett, Jr.*

FURTHER, That the original of this resolution be presented to *William M. Sterrett, Jr.* and that a copy be part of the official Minutes of Montgomery County.

Resolution of Appreciation-Litz VanDyke-Montgomery Regional Economic Development Commission

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

WHEREAS, Litz VanDyke faithfully served as a member of the Montgomery Regional Economic Development Commission as a representative for the Christiansburg & Montgomery County Chamber of Commerce from January 1, 1997 through December 31, 2001; and

WHEREAS, The County recognizes the excellent and dedicated service that *Litz VanDyke* has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to *Litz VanDyke.*

FURTHER, That the original of this resolution be presented to *Litz VanDyke* and that a copy be part of the official Minutes of Montgomery County.

OLD BUSINESS

Ordinance Amending the Erosion and Sediment Control Ordinance

On a motion by Larry N. Rush, seconded by C. P. Shorter and carried unanimously,

ORDINANCE 2002-1

**AN ORDINANCE AMENDING CHAPTER 8 ARTICLE III,
SECTIONS 8-64, 8-65, 8-66, 8-67, AND 8-69 RESPECTIVELY
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA,
ENTITLED EROSION AND SEDIMENT CONTROL
IN ORDER TO COMPLY WITH THE STATE ENABLING LEGISLATION
AND TO AMEND THE EXISTING FEE SCHEDULE
BY INSTITUTING A MONTHLY INSPECTION FEE
AND BY DELETING THE REINSPECTION FEE**

BE IT ORDAINED, by the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 8, Article III, Sections 8-64, 8-65, 8-66, 8-67 and 8-69 respectively of the Code of the County of Montgomery, Virginia, be amended and reordained as follows:

**Sec. 8-64. Regulated land disturbing activities; submission and approval of plans;
contents of plans.**

(a) Except as provided herein, no person may engage in any land disturbing activity until he has submitted to the engineer for Montgomery County an erosion and sediment control plan for the land disturbing activity and such plan has been reviewed and approved by the plan approving authority. Where land disturbing activities involve lands under the jurisdiction of more than one (1) local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the board for review and approval rather than to each jurisdiction concerned.

Where the land disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan approving authority.

(b) The standards contained within the "Virginia erosion and sediment control regulations" and the Virginia Erosion and Sediment Control Handbook are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the state regulations shall take precedence.

(c) The plan approving authority shall, within forty-five (45) days, approve any such plan, if it is determined that the plan meets the requirements of the local control program, and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this ordinance. In addition as a prerequisite to approval of the plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, as provided by Section 10.1-561 of the Code of Virginia, 1950, as amended, who will be in charge of and responsible for carrying out the land-disturbing activity.

(d) The plan shall be acted upon within forty-five (45) days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval.

When a plan is determined to be inadequate, written notice of disapproval stating the specific reason for disapproval shall be communicated to applicant within forty-five (45) days. The plan approving authority shall specify the modifications, terms and conditions that will permit approval of the plan. If no action is taken by the plan approving authority within forty-five (45) days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

(e) An approved plan may be changed by the plan approving authority in the following cases:

- (1) Where inspection has revealed that the plan is inadequate to satisfy applicable regulations;
- (2) Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan approving authority and the person responsible for carrying out the plans.

(f) In order to prevent further erosion, Montgomery County may require approval of a conservation plan for any land identified in the local program as an erosion impact area.

(g) When land disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

(h) Whenever electric, natural gas and telephone utility companies, interstate and intrastate natural gas companies or railroad companies undertake any of the activities included in subdivisions 1 and 2 of this subsection, they shall be considered exempt from the provisions of this ordinance.

- (1) Construction, installation and maintenance of electric transmission, natural gas and telephone utility lines and pipelines, and
- (2) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

Projects not included in subdivisions 1 and 2 of this subsection shall comply with the requirements of the Montgomery County erosion and sediment control program, pursuant to Code of Virginia, section 10.1-563D.

(i) State agency projects are exempt from the provisions of this ordinance except as provided for in the Code of Virginia, Section 10.1-564.

Sec. 8-65. Permits; fees; bonding; etc.

(a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(b) No person may engage in any land disturbing activity unless the proposed land disturbing activity is specifically exempt from the provisions of this ordinance, until he has acquired a land disturbing permit, and has paid the fees and posted the required bond.

(c) Fees. An administrative fee for plan review based on the approved fee schedule shall be paid to Montgomery County at the time of ~~submission of the erosion and sediment control plan~~ issuance of a land-disturbing permit or any agreement in lieu of plan in an amount set from time to time, by ~~resolution ordinance~~ of the Board of Supervisors. A monthly inspection fee shall be paid to Montgomery County in an amount set from time to time, by ordinance of the Board of Supervisors. Monthly inspection fees shall be paid starting at the time the land disturbing permit is issued until such time the site has achieved adequate stabilization as determined by the County Engineer.

(d) No land-disturbing permit shall be issued until the applicant submits with his application an

approved erosion and sediment control plan and certification that the plan will be followed and pays all the required fees.

(e) Bond. All applicants for permits shall provide to Montgomery County a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the county engineer, to ensure that measures could be taken by Montgomery County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land disturbing activity. Should it be necessary for Montgomery County to take such conservation action, Montgomery County may collect from the applicant any costs in excess of the amount of the surety held. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain the appropriate conservation action based on unit price for new public or private sector construction in Montgomery County and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five (25) percent of the estimated cost of the conservation action.

Within sixty (60) days of adequate stabilization, as determined by the county engineer, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated based on the percentage of stabilization accomplished in the project or section thereof.

(f) These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

Sec. 8-66. Monitoring, reports, and inspections.

(a) Montgomery County may require that an individual holding a certificate of competence, as provided by Section 10.1-561 of the Code of Virginia, 1950, as amended, who will be in charge of and responsible for carrying out the land-disturbing activity and may require a person responsible for carrying out the plan to monitor and maintain the land disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

(b) The county engineer or other certified inspectors shall periodically inspect the land-disturbing activity as required under the state program to ensure compliance with the approved plan and to determine whether the measure required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given

notice of the inspection.

If the county engineer determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply with the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this article and shall be subject to the penalties provided by this ordinance.

(c) Upon receipt of a sworn complaint of a violation of this ordinance, the county engineer may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken, or if land disturbing activities have commenced without an approved plan, the county engineer may issue an order requiring that all of the land disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land disturbing activities have commenced without an approved plan or any required permits, such an order may be issued whether or not the alleged violator has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the alleged violator has failed to comply with a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or alleged violator for appropriate relief to the Montgomery County Circuit Court.

If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the order, the county engineer may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application of the land records of Montgomery County. The owner may appeal the issuance of an order to the Montgomery County Circuit Court.

Any person violating or failing, neglecting or refusing to obey an order issued by the county engineer may be compelled in a proceeding instituted in the Montgomery County circuit court to obey the order and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the county engineer from taking any other action authorized by this ordinance.

Sec. 8-67. Penalties, injunctions, and other legal actions.

(a) Violators of this ordinance shall be guilty of a Class 1 misdemeanor.

(b) Any person who violates any provision of this ordinance or any condition of a permit shall, upon issuance of a demand for collection of the civil penalty by the county engineer and upon a finding of the Montgomery County general district court, be assessed a civil penalty in accordance with this article. The civil penalty of any one (1) violation shall be one hundred dollars (\$100.00), except that the civil penalty for commencement of land disturbing activities without an approved plan shall be one thousand dollars (\$1,000.00). Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of three thousand dollars (\$3,000.00), except that a series of violations arising from the commencement of land disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00). Any assessment of civil penalties shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a Class 1 misdemeanor.

(c) The county engineer may apply to the Montgomery County circuit court to enjoin a violation or a threatened violation of this ordinance, without the necessity of showing that an adequate remedy at law does not exist.

(d) In addition to any criminal penalties provided under this article, any person who violates any provision of this ordinance may be liable to Montgomery County in a civil action for damages.

(e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this ordinance shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation. A civil action for such violation or failure may be

brought by Montgomery County. Any civil penalties assessed by a court shall be paid into the Montgomery County treasury, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this article, Montgomery County may provide, in an order issued by Montgomery County against such person for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (e) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (b) or (e).

(g) The commonwealth's attorney shall, upon request of Montgomery County or the permit issuing authority, take legal action to enforce the provisions of this article.

(h) Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

Sec. 8-69. Fee schedule

Agreement in lieu of a plan:	\$ 5.00
Plan review:	
1. Up to and including one acre <u>of disturbed area</u> :	\$50.00
2. Each additional acre <u>of disturbed area</u> or part thereof:	\$25.00 <u>\$35.00</u>
<u>Monthly Inspection Fee</u> :	
1. Up to and including one acre <u>of disturbed area</u> :	\$35.00 <u>\$50.00</u>
2. Each additional acre <u>of disturbed area</u> or part thereof:	\$15.00 <u>\$ 6.00</u>
Reinspection: (Each Occurrence)	\$35.00

ADOPTED by the Board of Supervisors of the County of Montgomery, Virginia, this
14th day of January, 2002.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		

Larry N. Rush
James D. Politis
Gary D. Creed
Mary W. Biggs

Special Use Permit-Kevin Carter-Contractors Equipment Storage Yard

On a motion by James D. Politis, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Kevin Carter Special Use Permit request to allow a contractor's equipment storage yard is hereby approved subject to the following conditions:

1. The property will contain no more than five (5) vehicles or pieces of equipment related to the contracting business at any time. All vehicles and equipment will be maintained in good working condition and stored inside an enclosed building or at least fifty (50) feet from the right of way of Yellow Sulphur Road.
2. No commercial repair work will occur on site.
3. There will be no storage of fuel on site.
4. Any lighting installed on site will be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties.
5. There will be no retail sales on the property.
6. Failure to comply with all conditions of this Special Use Permit after due notice from Zoning Administrator shall result in revocation of permit from the Board of Supervisors.

The property is located at 2601 Yellow Sulphur Road and is identified as Tax Parcel No. 79-1-14 (Account ID #016393) in the Shawsville Magisterial District. The property lies in an area designated Urban Expansion in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

AYE

NAY

ABSENT

Annette S. Perkins
C. P. Shorter
Larry N. Rush
James D. Politis
Gary D. Creed
Mary W. Biggs

None

John A. Muffo

Comprehensive Plan Amendment-Water Projects

On a motion by C. P. Shorter, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Montgomery County Comprehensive Plan is amended as follows:

Amend page 16B on the Montgomery County Comprehensive Plan to include the following two (2) water projects under Prices Fork/Belview Planning Area:

Merrimac-Prices Fork (Water)

A line extension south from the 12" water main on Prices Fork Road at the Corporate Limits could be made to connect the Merrimac system. This would provide the primary feed to Merrimac. Growth along the Route 657 corridor is not expected to be significant. However, the project will greatly enhance system reliability for the PSA.

Source: "Comprehensive Water & Wastewater Study" Anderson & Associates Nov. 24, 1993.

Merrimac Looping (Water)

Replacement of inadequate 2" lines in the existing system would boost water pressure and allow fire protection to be provided to existing and future customers along these roads. This project also includes the interconnection of the Merrimac and Merrimac/Midway systems for added reliability.

Source: "Comprehensive Water & Wastewater Study" Anderson & Associates Nov. 24, 1993.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins
C. P. Shorter
Larry N. Rush
James D. Politis

NAY

None

ABSENT

John A. Muffo

Gary D. Creed
Mary W. Biggs

Beliveau Development Corp. Rezoning Request-Remove from Table

On a motion by C. P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, the Beliveau Development Corp. (Agent: Yvan Beliveau) request to rezone 2.2 acres from Agriculture (A-1) to Residential (RM-1) with possible proffered conditions, for multi-family or townhouse development located at 3030-3032 Pepper's Ferry Road in the Price's Fork Magisterial District is hereby removed from the table.

The vote on the foregoing motion was as follows:

AYE

Annette S. Perkins
C. P. Shorter
Larry N. Rush
James D. Politis
Gary D. Creed
Mary W. Biggs

NAY

None

ABSENT

John A. Muffo

Beliveau Development Corp. Rezoning Request-Referred Back to Planning Commission

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia the Beliveau Development Corp. (Agent: Yvan Beliveau) request to rezone 2.2 acres from Agriculture (A-1) to Residential (RM-1) with possible proffered conditions, for multi-family or townhouse development located at 3030-3032 Pepper's Ferry Road in the Price's Fork Magisterial District is hereby **referred back to the Planning Commission for review and recommendation to the Board of Supervisors.**

The vote on the foregoing motion was as follows:

AYE

Annette S. Perkins
C. P. Shorter
Larry N. Rush
James D. Politis
Gary D. Creed
Mary W. Biggs

NAY

None

ABSENT

John A. Muffo

NEW BUSINESS

Appointments-Public Service Authority (PSA)

On a motion by Larry N. Rush, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that **Gary D. Creed** is hereby appointed to the Montgomery County Public Service Authority effective January 15, 2002 and expiring December 31, 2005.

BE IT FURTHER RESOLVED, That **James D. Politis and Annette S. Perkins** are reappointed to the Montgomery County Public Service Authority effective January 15, 2002 and expiring December 31, 2005.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins
C. P. Shorter
Larry N. Rush
James D. Politis
Gary D. Creed
Mary W. Biggs

NAY

None

ABSENT

John A. Muffo

Appointments-Board of Supervisors

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representatives to the indicated boards, commissions and committees, effective January 1, 2002 and expiring December 31, 2002:

<u>Board/Commission</u>	<u>Supervisor</u>
Agricultural & Forestal District Advisory Committee	<u>James D. Politis</u>
Alleghany Area Library Building Committee Liaison	<u>Gary D. Creed</u> <u>Jeffrey D. Johnson</u>
Collection & Recycling Committee	<u>C. P. Shorter</u>
County/School Liaison Committee	<u>Jeffrey D. Johnson</u> (County Administrator) <u>Mary W. Biggs</u> (Chair)
Economic Development Alliance (NRV)	<u>Jeffrey D. Johnson</u> (County Administrator) <u>Mary W. Biggs</u> (Chair)
Economic Development Commission (Montgomery Regional)	<u>Annette S. Perkins</u>
Fairview District Home Board	<u>Joe C. Stewart</u>
Finance Board	<u>Mary W. Biggs</u> (Chair)
Human Services Commission Liaison to Executive Committee	<u>Annette S. Perkins</u>
Library Board Liaison	<u>Larry N. Rush</u>
Montgomery County Improvement	

Council (MCIC)

John A. Muffo

New River/Mount Rogers Workforce
Investment Consortium (3)

Mary W. Biggs

Larry N. Rush

Annette S. Perkins

Parks & Recreation Commission
Liaison

Larry N. Rush

Planning Commission Liaison

John A. Muffo

Mary W. Biggs (Alternate)

Real Estate Committee (2)

Gary D. Creed

James D. Politis

Resource Conservation &
Development District (RC&D)

C. P. Shorter

James D. Politis (Alternate)

Roads Committee (2)

James D. Politis

Larry N. Rush

Road Viewers Board

All Board Members

School Board Liaison

Annette S. Perkins

Mary W. Biggs (Alternate)

Transportation Safety Commission

Gary D. Creed

Utilities Committee

Jeffrey D. Johnson (County Administrator)

Mary W. Biggs (Chair)

The vote on the foregoing resolution was as follows:

AYE

NAY

ABSENT

Annette S. Perkins	None	John A. Muffo
C. P. Shorter		
Larry N. Rush		
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

Appointment-Fairview Home, Inc. Board of Directors

On a motion by C. P. Shorter, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Jeffrey D. Johnson, County Administrator, or his designee**, to the Fairview Home, Inc. Board of Directors effective January 15, 2002 and expiring December 31, 2002.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		
Larry N. Rush		
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

Division of Motor Vehicles (DMV)-Dog and Cat Sterilization Fund

On a motion by James D. Politis, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges that it is due funds from the Dog and Cat Sterilization Fund in the amount of \$1,860 based on sales of the Animal Friendly license plat in Fiscal Year 2001.

BE IT FURTHER RESOLVED, That the County does not have a sterilization program but authorizes the total of \$1,860 be directed to the Humane Society of Montgomery County which is a private, non-profit group supporting the purposes of the fund and the County Administrator is authorized to sign a Memorandum of Understanding outlining the use of the funds.

BE IT FURTHER RESOLVED, The County Administrator is authorized to sign the Certification of Funds form certifying that these funds will be used by the Humane Society for the purpose of sterilization of dogs and cats.

BE IT FURTHER RESOLVED, The General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

340	Animal Control	\$ 1,860
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The source of the funds for the foregoing appropriation is as follows:

413101	Dog & Cat Sterilization	\$1,860
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Said resolution appropriates monies received as part of the Dog and Cat Sterilization Program.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		
Larry N. Rush		
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

General Registrar-Transfer from Contingencies

On a motion by Gary D. Creed, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

FROM:

950	Contingencies	(\$10,000)
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TO:

170	Registrar	\$10,000
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The vote on the foregoing resolution was as follows:

Clerk of Circuit Court-Transfer from Contingencies

On a motion by James D. Politis, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

FROM:

950	Contingencies	(\$1,200)
-----	---------------	-----------

TO:

250	Clerk of Circuit Court	\$1,200
-----	------------------------	---------

Said resolution transfers funds from Contingencies for to the Clerk of Circuit Court to provides the County's share of a computer and printer.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		
Larry N. Rush		

James D. Politis
Gary D. Creed
Mary W. Biggs

Western Virginia Emergency Medical Services Council-“\$4-For-Life” Initiative

On a motion by Larry N. Rush, seconded by C. P. Shorter and carried unanimously,

WHEREAS, The emergency medical services system of the Commonwealth of Virginia provides an invaluable service to the citizens of Virginia; and

WHEREAS, There exists a need to adequately fund the infrastructure of the E.M.S. system, which includes funds that are returned to the localities for E.M.S., funds for equipment grants, support for the regional E.M.S. councils, and funding for training and many other elements of the E.M.S. system; and

WHEREAS, Funding for all of these needs has remained constant for the past eleven years, and is provided totally through the “Two-for-Life” motor vehicle registration add-on special fund without any support from the state’s general fund; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia recognizes the increased costs to operate Virginia’s E.M.S. system, and the need to increase that source of funding to carry the system into the next century and to meet the many increased demands.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia does hereby endorse the proposed “\$4-for-Life” initiative as presented to the Virginia General Assembly in Senate Bill 3 and House Bill 82 at its 2002 session; and

BE IT FURTHER RESOLVED, The Montgomery County Board of Supervisors communicates this endorsement to appropriate members of the Virginia General Assembly.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins
C. P. Shorter
Larry N. Rush
James D. Politis

NAY

None

ABSENT

John A. Muffo

Gary D. Creed
Mary W. Biggs

Request to Withdraw from Agricultural and Forestal District-5 (Riner)

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

WHEREAS, Steven Michael Alley has applied to Montgomery County for the withdrawal of approximately 100.8 acres (Tax Parcel No. 127-A-32, Account ID #023509) from Agricultural & Forestal District-5 (Riner).

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Steven Michael Alley withdrawal request is hereby referred to the Agricultural and Forestal District Advisory Committee and the Planning Commission for recommendation.

FURTHER, That a public hearing on the Steven Michael Alley withdrawal request is hereby scheduled for Monday, February 25, 2002 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens' comments.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		
Larry N. Rush		
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

Schedule Public Hearing-Proposed Conveyance of Right-of-Way

On a motion by C. P. Shorter, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia pursuant to Section 15.2-1800 of the Code of Virginia of 1950, as amended, hereby schedules a public hearing on Monday, February 25, 2002 at 7:15 p.m. in Courtroom B, County Courthouse, Christiansburg, Virginia to hear citizens comments on the following:

Conveyance of Right-of-Way to Donald L. Wood

-Proposed conveyance of right-of-way to Donald L. Wood on Whispering Pine Circle in Montgomery County. The property is located at 2153 Whispering Pine Circle “Rolling Hills” in the Riner Magisterial District.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins
C. P. Shorter
Larry N. Rush
James D. Politis
Gary D. Creed
Mary W. Biggs

NAY

None

ABSENT

John A. Muffo

Rural Addition-Natures Waye Road

On a motion by Annette S. Perkins, seconded by C. P. Shorter and carried unanimously,

WHEREAS, The street described below is shown on a plat recorded in the Clerk’s Office of the Circuit Court and currently serves at least 3 families per mile; and

WHEREAS, The Virginia Department of Transportation has deemed this county’s current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-72.1, Code of Virginia; and

WHEREAS, After examining the ownership of all property abutting the street, this Board finds that speculative interest does not exist.

NOW THEREFORE, BE IT RESOLVED, That the Montgomery County Board of Supervisors requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-72.1 (D), Code of Virginia:

ADDITION:

<u>Name of Street:</u>	<u>Length</u>
Natures Waye Road	
From Natures Waye Road (SR 734)	
End of State Maintenance	0.60 mile
To Turn-Around	
Plat Recorded, December 13, 1974, Plat Book: 7, Page: 182	
Plat Recorded, May 23, 1978, Plat Book: 9, Page: 74	

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50' , as described, and any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, This Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to Section 33.1-72.1 (D), Code of Virginia; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		
Larry N. Rush		
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

COUNTY ATTORNEY'S REPORT

Warm Hearth The County Attorney reported that Warm Hearth will ask the Industrial Development Authority (IDA) for a bond issuance for refinancing of existing debt. When the resolution has been received it will be forwarded to the Board of Supervisors, along with details of the request.

COUNTY ADMINISTRATOR'S REPORT

Donald L. Wood's request for conveyance of right-of-way The County Administrator reported that Mr. Wood had contacted him about the County owning the right-of-way that accesses his property located at 2153 Whispering Pine Circle "Rolling Hills". He requested that the Board consider conveying this right-of-way to him. A public hearing was scheduled earlier in this meeting for the proposed conveyance of the right-of-way. The hearing is scheduled for February 25, 2002.

BOARD MEMBERS' REPORTS

Supervisor Politis- Safety on Route 8 Supervisor Politis reported that citizens are concerned about safety issues on Route 8 and asked that he bring up the idea of making the old Route 8 a bypass to bring traffic around the back side of Route 8.

Directing Traffic at Riner School Supervisor Politis mentioned there is no Sheriff's Deputy directing traffic at the school in Riner in the afternoon. He suggested there may be a need for a Deputy to patrol the students driving out of the parking lot when school lets out in the afternoon.

Supervisor Shorter-Water Rates-Oak Forest Trailer Park Supervisor Shorter has received calls from residents in Oak Forest Trailer park about their water rates being \$25 per person based on the number of occupants in a trailer. The County Attorney will investigate the matter and report back to the Board.

Guardrail Funds for Improvements at Intersection of Merrimac and Hightop Roads Since a portion of the funds from VDoT's Revenue Sharing program will be applied to installing guardrails, Supervisor Shorter asked if VDoT's maintenance funds normally used for guardrails could be used for improvements at the intersection of Merrimac Road and Hightop Road. Staff will request the Department of Transportation to provide a cost estimate for improvements at this intersection.

County-wide speed limit Supervisor Shorter asked about the status of gathering information on a county-wide 35 mph speed limit. The Chair suggested that one solution may be for the County to coordinate a "Safety Campaign" to get citizens involved in road safety awareness.

Supervisor Rush-Virginia's First Regional Industrial Facility Authority At Virginia's First Regional Industrial Facility Authority's next meeting discussions will include the proposed participation agreement for development of the Dynamic Job Oriented Technology Solutions (DJOTS), an information technology services

project to be located in the Town of Pulaski. Supervisor Rush said he would not recommend that the Board of Supervisors participate in the DJOTS program since it would be in direct competition with private business.

Supervisor Perkins-Virginia Tech/Montgomery Regional Airport Authority Supervisor Perkins reported the Virginia Tech/Montgomery Regional Airport Authority will interview candidates for Airport Authority Director on January 24, 2002. The Authority is also reviewing their business plan. Citizens have been attending and speaking at the Airport Authority meetings. Supervisor Perkins invited the Board members to attend these meetings.

Planning District Commission "Workforce Intelligence Survey" The PDC's Workforce Study Committee has identified two issues which the PDC may be able to provide assistance to the school divisions in the region. First, assistance in sharing of staff among the divisions for AP type classes provided through distance learning; and secondly, assistance in establishing a regional alternative school directed at workforce education for those students not passing the Standards of Learning tests and those intent on joining the workforce upon graduation from high school. There is a proposal to conduct a "Workforce Intelligence Survey" of all employers having five or more employees in the New River Valley and Mount Rogers Planning Districts. At this time, all but \$25,000 of the funding required for the survey is in place. The remaining \$25,000 was applied for through the Economic Development Administration (EDA); however, in the absence of a Federal budget, the EDA is unable to fund the proposal at this time. The Commission is asking that we consider, through the Council of Elected Officials, to encourage the Workforce Investment Board to increase the funding for the survey from \$40,000 to \$65,000 so this project can be undertaken without waiting for the EDA funds.

Treasurer's Office-Check Deposits Supervisor Perkins has received complaints from several people about checks they have sent to the Treasurer's office not being deposited.

Supervisor Creed - Water/Sewer rates in Shawsville area Supervisor Creed has received complaints from citizens in the Shawsville area about their water/sewer rates being \$50+ for two people in a household. The County Administrator will direct staff to provide a cost analysis on old rates vs new rates, number of people in house, etc.

Elliston Fire Department Supervisor Creed has received calls from residents in the Alleghany and Bradshaw areas with concerns about recent discussions of moving the fire department farther away from their service area.

Supervisor Biggs - Board Retreat Supervisor Biggs asked for Board members to consider possible dates for scheduling a Board Retreat. It was the consensus of the Board to schedule a retreat for March 1 and March 2, 2002.

177 Corridor Study Committees Supervisor Biggs asked that a letter be sent to the Radford City Mayor regarding a 177 Corridor Study Committee. The County would like to complete its update of the Comprehensive Land Use Plan, completion of the Regional Stormwater Management Study being conducted by the RC&D, and the completion of a model ordinance prior to establishing committees to address Emergency Response, Stormwater Management and Utilities in the 177 Corridor service area.

“Thank you” from Retired Employee Supervisor Biggs shared a “thank you” card received from a retired employee for being included in the County’s Christmas party in December.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment, Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Discipling or Resignation of Specific Public Officers, Appointees or Employees
 - 1. Economic Development Commission (citizen appointment)
 - (7) Consultation With Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiation or Litigating Posture of the Public Body
 - 1. Boundary Adjustment-Blacksburg

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perking	None	John A. Muffo
Larry N. Rush		
James D. Politis		

Gary D. Creed
C. P. Shorter
Mary W. Biggs

OUT OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perking	None	John A. Muffo
Larry N. Rush		
James D. Politis		
Gary D. Creed		
C. P. Shorter		
Mary W. Biggs		

CERTIFICATION OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom on Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this

certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting we heard, discussed or considered by the Board.

VOTE

AYES

Annette S. Perking
Larry N. Rush
James D. Politis
Gary D. Creed
C. P. Shorter
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

John A. Muffo

ABSENT DURING MEETING

John A. Muffo

APPOINTMENTS

Montgomery Regional Economic Development Commission

On a motion by Larry N. Rush, seconded by C. P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Mike Miller** to the Montgomery Regional Economic Development Commission effective January 1, 2002 and expiring December 31, 2004

The vote on the foregoing resolution was as follows:

AYE_____

NAY_____

ABSENT_____

Annette S. Perkins	None	John A. Muffo
C. P. Shorter		
Larry N. Rush		
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

OTHER BUSINESS

Supervisor Perkins suggested the Board of Supervisors appoint a member of the Board as Liaison to the Industrial Development Authority (IDA). No action was taken. The Board will have further discussions at a future meeting.

ADJOURNMENT

On a motion by Larry N. Rush, seconded by C. P. Shorter and carried unanimously, the Board adjourned to January 28, 2002.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		
Larry N. Rush		
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

The meeting adjourned at 11:15 p.m.